

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 20-CR-26

YOUSEF BARASNEY,

Defendant.

UNOPPOSED MOTION TO ADJOURN TRIAL

Yousef Barasneh moves this Court to remove from the Court's calendar the April 13, 2020, jury trial, and to schedule the case for a status hearing to address further scheduling. As grounds for this motion, undersigned counsel states the following:

1. On February 6, 2020, Yousef Barasneh was arraigned on one count of conspiracy against rights, contrary to 18 U.S.C § 241. Barasneh entered a not guilty plea, and Judge Joseph continued Barasneh's conditions of release. This Court scheduled a final pretrial date of March 18, 2020, and a jury trial date of April 13, 2020.
2. Barasneh's defense counsel needs additional time to review the large of amount of discovery the government has disclosed, to investigate the case, to consider and prepare pretrial motions, and for potential trial preparation.
3. On February 6, 2020, the government made its initial discovery disclosure, which they described as follows:

*Federal Defender Services
of Wisconsin, Inc.*

Enclosed are one (1) flash drive and one (1) disc containing discovery material for the above-referenced criminal matter. The thumb drive your office provided our office is also included; it does not contain any discovery. Five discovery files were too large to include with the Bates-stamped material. These files are included in Disc 1 and are listed in the index below.

4. On February 14, the government made a second disclosure:

Enclosed are four (4) discs and two (2) flash drives containing supplementary discovery material for the above-referenced criminal matter. Further, per your request, I have enclosed a thumb drive (black marked "Quill.com," which you provided to us) containing a second copy of the iPhone extraction.

5. Then on February 19, 2020, the government made another discovery disclosure, which was one disc with 50 Bates-stamped documents.

6. Finally, on February 21, 2020, the government provided a flash drive it described as containing a PDF of iPhone extraction, with the explanation that the defense already had a copy of the full iPhone extraction.

7. The volume of discovery in this case is significant and the parties anticipate further disclosures of similar size. To date, Barasneh's counsel has received roughly 2600 pages of Bates-stamped documents, returns from Google and Facebook warrants totaling about one gigabyte, an Apple iCloud dump that is 9.35 gigabytes, and an iPhone dump that is 18 gigabytes.

8. In addition, the government seized four computers, an additional cellular telephone, and a flash drive from Barasneh's parents' home during a search warrant execution, all of which, undersigned counsel believes, remain under FBI review.

9. The parties acknowledge that the government has been working to provide the defense with discovery as quickly as possible; that the government has been in email contact with the defense regarding discovery since before the arraignment and, at defense request, quickly produced a second copy of a phone extraction and then a 50-page extraction report. The government also provided a PDF of a cell-phone "dump" at defense request, which information is a duplicate of data already provided. Further, the government has offered defense the opportunity to receive or inspect images of all-seized devices. At this point, the defense has chosen not to seek every image available, but instead has chosen to wait for and consider any FBI reports regarding their review of those devices before deciding on what to request.

10. Finally, the government alleges a violation of 18 U.S.C. § 241. Such prosecutions are not common, and Barasneh is exploring defenses that could generate pretrial motions.

11. Undersigned counsel spoke with Assistant United States Attorney Adam Ptashkin today, who indicated that the government does not oppose the adjournment request.

For these reasons, Yousef Barasneh respectfully asks this Court to remove from the Court's calendar the April 13, 2020 jury trial, and to set the case for a status hearing to address further scheduling.

Dated at Milwaukee, Wisconsin, this 21st day of February, 2020.

Respectfully submitted,

/s/ John W. Campion

John W. Campion, WI Bar #1002697
Federal Defender Services
of Wisconsin, Inc.
517 E. Wisconsin Avenue – Room 182
Milwaukee, WI 53202
Tel. (414) 221-9900
Email: john_campion@fd.org

Counsel for Defendant, Yousef Barasneh